

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI**

**UNITED STATES,**  
*Plaintiff,*

**vs.**

**OSCAR GUTIERREZ,**  
*Defendant.*

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**NO. 25-CR-00032-HFS-01**

**MOTION TO CONTINUE TRIAL SETTING**

Oscar Gutierrez, Defendant, by and through appointed counsel, hereby moves this Honorable Court for an Order continuing his trial date from the June 2025 trial docket until the trial docket commencing in December of 2025. In support herein, Defendant's Counsel David Kelly states as follows:

1. Defendant Gutierrez is charged in one count of the Indictment with Conspiracy to Fraudulently Obtain Immigration Visas (and Making False Material Statements thereby). The Indictment has been on file since February of 2025.
2. Undersigned counsel is Mr. Gutierrez's newly appointed counsel in the case having recently been appointed when Mr. Gutierrez came into federal custody. Undersigned counsel has worked with the Defendant and government to determine an appropriate course of the case. The parties have determined that a continuance is required to allow newly appointed counsel time to receive the discovery, meet with Mr. Gutierrez to discuss options and to prepare for trial should a trial be warranted.

3. Defendant Gutierrez and his counsel otherwise require more time to prepare for disposition of the case. Undersigned counsel was brought into the case as a result of writ and the Defendant being brought into federal custody just recently.
4. The charges are serious and all carry a minimum range of punishment of up to 10 years imprisonment.
5. As a result, it is the opinion of undersigned counsel that a continuance of the trial until, at the earliest, the December 2025 trial docket is necessary to accommodate the needs of the parties in the case and to assure the most appropriate administration of justice in the case.
6. Undersigned counsel has contacted counsel for the government who has no objection to this continuance request. Counsel for co-defendant Morales Salgado has no objection to the requested continuance and requested trial date and her client is in agreement to the same.
7. Defendant Oscar Gutierrez is aware of the *Speedy Trial Act of 1974* (as amended) and its requirements and recognizes and accepts the exclusion of the delay occasioned by the instant Motion for Continuance from the 70-day time period set forth in 18 U.S.C. § 3161(h). Defendant Gutierrez, through counsel, hereby expressly waives the requirements contained in 18 U.S.C. § 3161(h) for purposes of this Motion.

For the foregoing reasons, Defendant Oscar Gutierrez prays this Honorable Court to continue this matter from the June 2025 trial docket to the Criminal Docket commencing in

December of 2025 and for any and all other relief this Court deems just and appropriate upon these premises.

Respectfully submitted,

/S/ DAVID A. KELLY

David A. Kelly (MoBar#45983)  
Kelly, Symonds & Reed, LLC  
114 SW Third Street  
Lee's Summit, MO 64063  
Missouri Bar No. 45983  
(816) 347-1818  
FAX (816) 347-1854  
dave@mokanlegal.com  
ATTORNEY FOR DEFENDANT

CERTIFICATE REGARDING SERVICE

I hereby certify that it is my belief and understanding that counsel for plaintiff as well as all counsel for co-defendants are participants in the Court's CM/ECF program and that separate service of the foregoing document is not required beyond the Notification of Electronic Filing to be forwarded to counsel for plaintiff upon the filing of the foregoing document.

/s/ David A. Kelly

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David A. Kelly